

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

SHAUN MORSE,

Plaintiff,

v.

M.T.C. 1, INC.,

Defendant.

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No. 4:08-CV-1299 CAS

MEMORANDUM AND ORDER

This matter is before the Court on the motion of plaintiff's appointed counsel Mr. Bruce C. Cohen for compensation of services and reimbursement of expenses incurred in representing plaintiff. Counsel seeks reimbursement from the Attorney Admission Fee Non-Appropriated Fund for attorney's fees in the amount of \$5,000.00 and out-of-pocket expenses in the total amount of \$48.00. Counsel's request is accompanied by an Out of Court Hourly Worksheet showing services rendered, and by receipts.

All applications for disbursement of funds from the Attorney Admission Fee Non-Appropriated Fund are governed by Local Rules 12.03 and 12.06, the Administrative Order of January 15, 2008 concerning the Attorney Admission Fee Non-Appropriated Fund, and the Regulations Governing the Disbursement of Funds from the Non-Appropriated Fund for Attorney's Fees and Out-of-Pocket Expenses Incurred by Attorneys Appointed to Represent Indigent Parties in Civil Proceedings Pursuant to 28 U.S.C. § 1915(e), dated January 15, 2008 (the "Regulations"), available at <http://www.moed.uscourts.gov/attorney/appcnslfeeexp.html>.

With the standards of the Regulations in mind, the Court turns to the request for compensation of fees and reimbursement for specific items of out-of-pocket expense.

Attorney's Fees

The Regulations provide that the maximum reimbursement for attorney's fees in any one case is five thousand dollars. See Regulations, §§ B.2, D. The Court has reviewed the Out of Court Hourly Worksheet and determines that the time claimed for attorney's fees was expended and was appropriate and reasonable. The Court will order compensation for attorney's fees in the amount of \$5,000.00.

Expenses

Service of Papers/Witness Fees. Counsel seeks reimbursement under this category in the amount of \$25.00. There is no receipt to substantiate the expense, nor does counsel explain what was served or by whom. The Court notes that because plaintiff was granted in forma pauperis status, the U.S. Marshal served the summons and alias summons in this matter. Pursuant to the Regulations, a request for "reimbursement of out-of-pocket expenses shall be accompanied by sufficient documentation to permit the Court to determine that the amounts claimed for expenses were actually paid out." Regulations, ¶ E.1. This expense will be disallowed for lack of documentation.

Photographs, Photocopies, Telephone Toll Calls, Telegrams. The Regulations provide that out-of-pocket expenses for these items "necessary for the preparation of a case may be reimbursed from the non-appropriated fund." Regulations, ¶ E.5. Counsel seeks reimbursement of charges in the amount of \$9.00 for PDF scanning of the Amended Complaint, the Alias Summons and the Return of Service at Office Depot. This request is supported by receipts from Office Depot and will be allowed.

Postage & Parking. Counsel seeks reimbursement of postage and parking expenses in the amount of \$14.00. This request is supported by two certified mail receipts in the amount of \$12.20

and a statement of counsel that a \$2.00 parking expense was incurred. This expense will be allowed in the amount of \$14.40.

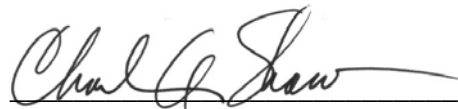
Accordingly,

IT IS HEREBY ORDERED that counsel's motion for compensation of services and reimbursement of out-of-pocket expenses is **GRANTED** in the amount of Five Thousand Dollars (\$5,000.00) for attorney's fees and Twenty-Three Dollars and Twenty Cents (\$23.20) for out-of-pocket expenses, for a total of Five Thousand Twenty-Three Dollars and Twenty Cents (\$5,023.20).
[Doc. 34]

IT IS FURTHER ORDERED that the Clerk of the Court shall promptly disburse the sum of Five Thousand Twenty-Three Dollars and Twenty Cents (\$5,023.20) from the Attorney Admission Fee Non-Appropriated Fund, payable to:

Mr. Bruce C. Cohen
925 Edna
Kirkwood, Missouri 63011

The Court expresses its appreciation to Mr. Cohen for his efforts on behalf of the plaintiff.


CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 26th day of January, 2010.